

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AMPEX CORPORATION	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	C.A. No. 04-1373 (KAJ)
	)	
EASTMAN KODAK COMPANY,	)	
ALTEK CORPORATION, and	)	
CHINON INDUSTRIES, INC.,	)	
	)	
<i>Defendants</i>	)	

STIPULATED MOTION TO AMEND DEFENDANTS' ANSWERS AND TO SET  
CONDITIONS FOR SUPPLEMENTAL WILLFULNESS DISCOVERY

The parties hereby move for an Order allowing Defendants to file Amended Answers to Ampex's Second Amended Complaint and to establish procedures for supplemental willfulness discovery pursuant to the Court's order during the April 7, 2006 Teleconference.

The parties stipulate, subject to order of the Court, that:

1. Defendants may serve and file Amended Answers to Ampex's Second Amended Complaint to assert the defense of advice of counsel to the charge of willful infringement. A copy of Eastman Kodak Company's proposed Amended Answer is attached hereto as Exhibit A. A copy of Kodak Company's proposed Amended Answer with added language underlined is attached as Exhibit B. A copy of Altek Corporation's proposed Amended Answer is attached hereto as Exhibit C. A copy of Altek Corporation's proposed Amended Answer with added language underlined is attached as Exhibit D.

2. Ampex will not be estopped from arguing against the admissibility of any opinions of counsel, or related materials, based on its stipulation to this motion.

3. Defendants will produce any opinions of counsel they intend to rely upon, and related materials that Defendants concede are no longer protected by the attorney-client privilege, on or before April 17, 2006.

4. Ampex may serve an initial contention interrogatory on defendants concerning Defendants' defense to willful infringement on or before April 21. Defendants will respond to the initial contention interrogatory on or before May 10. Ampex may thereafter serve two follow-up interrogatories, and ten requests for admission. Ampex may serve a subpoena on opinion counsel.

5. The parties' experts may rely and opine upon evidence discovered during the willfulness discovery period.

6. The parties will bring before the Court, pursuant to the Court's usual practice for the resolution of discovery disputes, any disputes as to the appropriate scope of the waiver of attorney-client or work product privilege based on reliance of advice of counsel no later than May 10, 2006.

7. Any depositions taken during the willfulness discovery period will commence on or after May 11, 2006 and be completed by June 9, 2006, provided that the Court has resolved pending disputes regarding the scope of the waiver. Should pending disputes about scope of the waiver remain unresolved on May 11 and it appears that commencing discovery could result in duplicative discovery, the parties agree to negotiate mutually convenient dates for the taking of depositions.

8. Ampex may use up to 25 hours of deposition time during the supplemental discovery period.

9. Pursuant to the Court's Order during the April 7, 2006 Teleconference, the parties will negotiate in good faith to come to agreement on costs Defendants will pay related to the supplemental willfulness discovery.

The foregoing is stipulated to by the parties:

AMPEX CORPORATION

By its attorneys,

Date: April 14, 2006

/s/ JACK B. BLUMENFELD  
Jack B. Blumenfeld (#1014)  
Julia Heaney (#3052)  
Morris Nichols Arshi & Tunnell  
1201 North Market Street  
Wilmington, DE 19801  
(302) 575-7291

EASTMAN KODAK COMPANY, CHINON  
INDUSTRIES, INC., and  
ALTEK CORPORATION

By their attorneys,

Date: April 14, 2006

/s/ PAUL M. LUKOFF  
Paul M. Lukoff (#96)  
David E. Brand (#201)  
Prickett Jones & Elliott  
1310 King Street  
P.O. Box 1328  
Wilmington, DE 19899  
(302) 651-7700

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on April 14, 2006, I electronically filed the following document with the Clerk of the Court using CM/ECF:

**STIPULATED MOTION TO AMEND DEFENDANTS' ANSWERS AND TO  
SET CONDITIONS FOR SUPPLEMENTAL WILLFULNESS DISCOVERY**

Jack B. Blumenfeld, Esquire  
Morris, Nichols, Arsht & Tunnell  
1201 N. Market Street  
P. O. Box 1347  
Wilmington, DE 19899

I hereby certify that on April 14, 2006, I have forwarded the above-noted document to the following as noted below:

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